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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,758	11/17/2003	Ahmedulla Khaishgi	1018-002US04	3346
28863	7590	11/19/2007	EXAMINER	
SHUMAKER & SIEFFERT, P. A.			WORJLOH, JALATEE	
1625 RADIO DRIVE			ART UNIT	
SUITE 300			PAPER NUMBER	
WOODBURY, MN 55125			3621	
NOTIFICATION DATE			DELIVERY MODE	
11/19/2007			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ssiplaw.com

## Office Action Summary

**Application No.**

10/714,758

**Applicant(s)**

KHAISHGI ET AL.

**Examiner**

Jalatee Worjloh

**Art Unit**

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64, 66-79, 81-156 and 158-177 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is responsive to the amendment filed August 8, 2007. Claims 55,74,77,83 and 177 were amended. Claims 1-54 and 88-155 are withdrawn. Thus, Claims 1-64, 66-79, 81-156 and 158-177 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

3. Claims 55-64, 66-79, 81-87 and 158-177 have been examined.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 55-60,64-68, 70-87, 156, 158-177 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2004/0139032 to Rowan and U.S. Patent No. 7263497 to Wiser et al. ("Wiser") in view of U.S. Patent No. 7099859 to Sundaresan.

Referring to claim 55, Rowan discloses accepting the commitment by the online entity in the online marketplace to the selling practice prior to any interaction in the online marketplace between the online entity and the potential buyer (see paragraph [0029]) and monitoring compliance of the online entity with the commitment to the selling practice marketplace between the online entity and the potential buyer (see paragraphs [0018], [0030]), penalizing the entity if

he fails to comply with the commitment to the selling practice and when the entity complies with the commitment to the selling practice (see paragraph [0019]). Rowan does not expressly disclose when the entity fails to comply with the commitment to the selling practice, automatically restricting display of the online entity as a result of a search engine and delivering a media object to a device for presentment to the potential buyer, the media object representative of the commitment and comprising an electronic seal of certification. Wisner discloses delivering a media object to a device for presentment to a potential buyer, the media object representative of the commitment and comprising an electronic seal of certification (see col. 9, lines 15-26 & col. 11, lines 55-60). Sundaresan discloses when the entity fails to comply with the commitment to the selling practice, automatically restricting display of the online entity as a result of a search engine (see abstract & claims 1-8 The system/method lists businesses with higher ratings on top of a search list and businesses with lower rating at the bottom; the rating is based on customer satisfaction.) Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Rowan to include the method when the entity fails to comply with the commitment to the selling practice, automatically restricting display of the online entity as a result of a search engine and delivering a media object to a device for presentment to the potential buyer, the media object representative of the commitment and comprising an electronic seal of certification. One of ordinary skill in the art would have been motivated to do this it provides “a mechanism by which searches of business sites can be ordered based upon interactive criteria about the businesses themselves, correlating higher quality search matches to higher business satisfaction ratings” (see Sundaresan col. 2, lines 6-10).

Referring to claim s 56-60, Rowan discloses wherein the selling practice comprises use of an online payment system, wherein the selling practice comprises providing a buyer guarantee to address post-sale buyer dissatisfaction, wherein the buyer guarantee is monetary, wherein the buyer guarantee is service delivery monetarily backed, wherein the buyer guarantee comprises a guarantee provided by a third party (see paragraph [0007] & [0008])- output compensation data for compensating the buyer if said compliance data indicates that the identified seller is not willing or able to comply with the request).

Referring to claim 64, Rowan discloses accepting the commitment comprises accepting the commitment online (see claim 55 above).

Referring to claim 66, Rowan discloses delivering a non-unique second media object supplied by a system associated with an online marketplace (see col. 9, lines 26-33-advertisement art).

Referring to claim 67, Rowan discloses monitoring compliance of the online entity with the commitment to the selling practice marketplace between the online entity and the potential buyer (see paragraphs [0018], [0030]). Rowan does not expressly disclose the method wherein the media object which is representative of the commitment is unique to the online entity and present together with the second media object supplied by the system of the online marketplace. Wiser discloses a media object which is representative of the commitment is unique to the online entity and present together with the second media object supplied by the system of the online marketplace (see col. 9, lines 15-33). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Rowan to include the step wherein a media object which is representative of the commitment is unique to

the online entity and present together with the second media object supplied by the system of the online marketplace. One of ordinary skill in the art would have been motivated to do this because it provides a mechanism to provide additional information to the buyer such as advertisement.

Referring to claim 68, Rowan discloses monitoring compliance of the online entity with the commitment to the selling practice marketplace between the online entity and the potential buyer (see paragraphs [0018], [0030]). Rowan does not expressly disclose allowing the potential buyer to request information regarding the commitment using the media object and delivering information representative of the commitment to the potential buyer. Sundaresan discloses disclose allowing the potential buyer to request information regarding the commitment using the media object and delivering information representative of the commitment to the potential buyer (see col. 6, lines 46-61). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the disclose by Rowan to include the step of disclose allowing the potential buyer to request information regarding the commitment using the media object and delivering information representative of the commitment to the potential buyer. One of ordinary skill in the art would have been motivated to do this it provides "a mechanism by which searches of business sites can be ordered based upon interactive criteria about the businesses themselves, correlating higher quality search matches to higher business satisfaction ratings" (see Sundaresan col. 2, lines 6-10).

Referring to claim 70-73, Rowan discloses monitoring compliance of the online entity with the commitment to the selling practice marketplace between the online entity and the potential buyer (see paragraphs [0018], [0030]). Rowan does not expressly disclose displaying

the media object to include a marketplace identification or business name for the online entity, displaying the media to include information specific to a program within a online marketplace, displaying the media object to include a particular sub-marketplace of the marketplace and displaying the media object to include information for a specific result displayed through the search engine. Wiser discloses displaying the media object (see fig. 8 & col. 31, lines 19-23). Wiser does not disclose the media object to include a marketplace identification or business name for the online entity, specific to a program within a online marketplace, a particular sub-marketplace of the marketplace and information for a specific result displayed through the search engine. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The displaying step would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 UPSQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to displaying including any type of data because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Claims 74-87, 156, 158-177 are rejected on the same rationale as claims 55-60, 64-68, 70-73 above

*Allowable Subject Matter*

6. Claims 61-63 and 69 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Publication No. 2003/0069857 to Junda.
- US Publication No. 2002/0073008

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



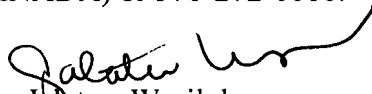
Application/Control Number:  
10/714,758  
Art Unit: 3621

Page 8

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jalatee Worjloh  
Primary Examiner  
Art Unit 3621

November 12, 2007